FILE COPY

Office - Supreme Court, U. S.
FILED
DEC 29 1947
CHARLES ELMORE CROPLEY

IN THE

Supreme Court of the United States

OCTOBER TERM, 1947.

No. 469

ANNE FEINBERG,

Petitioner,

vs.

RAILWAY EXPRESS AGENCY, INCORPORATED,

Respondent.

CERTIORARI TO REVIEW A JUDGMENT OF THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

REPLY BRIEF OF PETITIONER.

KARL EDWIN SEYFARTH,
Attorney for Petitioner,
208 S. La Salle St.,
Chicago 4, Illinois.

THE DARNELL-GARNER PRINTING COMPANY, 310 WEST JACKSON, CHICAGO

IN THE

Supreme Court of the United States

OCTOBER TERM, 1947.

No. 469

ANNE FEINBERG,

Petitioner,

vs.

RAILWAY EXPRESS AGENCY, INCORPORATED,

Respondent.

CERTIORARI TO REVIEW A JUDGMENT OF THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

REPLY BRIEF OF PETITIONER.

MAY IT PLEASE THE COURT:

If the reasoning of the respondent in its brief in opposition to our petition for certiorari is to be adopted, it would be tantamount to saying that Congress, in enacting the statute, did not mean what its plain language imports, but intended that the tariffs filed by respondent should control the limit of its liability. If this is what Congress

intended, it could easily have said that no shipper shall recover beyond the amount of $50 for loss or damage to any shipment, unless the shipper procures from the carrier a receipt declaring a higher value. Congress did not see fit to say so, but instead, as already pointed out, declared that no tariff, receipt, rule or regulation filed by the carrier shall be valid, which limits the liability of the carrier to the shipper, unless such limited liability or value is declared or agreed to *in writing* by the shipper. Neither rules, receipts, estoppel or other matter asserted by respondent can override the statute!

Respondent, in quoting the testimony of the witness Heinecke, picked one sentence out of all of his testimony instead of giving the full context, which we have endeavored to do in our petition. The record is short; the testimony undisputed. We have fairly presented the facts in our petition.

Respectfully submitted,

KARL EDWIN SEYFARTH,
Attorney for Petitioner,
208 S. La Salle St.,
Chicago 4, Illinois.